

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

EMMANUEL ROGERS, #01285109, §  
Plaintiff, §  
§  
v. § Case No. 6:24-cv-365-JDK-KNM  
BRYAN COLLIER, et al., §  
§  
Defendants. §  
§  
§

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Emmanuel Rogers, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On November 7, 2024, Judge Mitchell ordered service upon and a response from Defendant Rigoberto Aguilera in this case. Docket No. 9. That same day, Judge Mitchell issued a Report recommending that Plaintiff's claims against Defendants Shirey and Collier be dismissed for failure to state a claim upon which relief may be granted. Docket No. 8. A copy of this Report was sent to Plaintiff, and he received it on November 19, 2024. Docket No. 12. However, no objections have been received.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

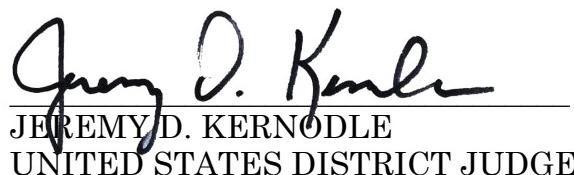
examines the entire record and makes an independent assessment under the law.

*Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 8) as the findings of this Court. It is therefore **ORDERED** that Plaintiff's claims against Defendants Shirey and Collier are dismissed without prejudice for failure to state a claim against them pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2). The Clerk shall terminate Shirey and Collier as Defendants on this docket.

So **ORDERED** and **SIGNED** this 3rd day of February, 2025.



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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE